



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

**GUNARATNAM**

Atty. Ref.: 4398-336

Serial No. 10/821,204

TC/A.U.: 3743

Filed: April 9, 2004

Examiner: Unassigned

Confirmation No.: 8653

For: A MASK WITH INTEGRAL CUSHION AND FOREHEAD PIECE

\* \* \* \* \*

January 28, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1.  This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

a.  Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the

undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b.  Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1.  Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. § 1.704(d).

c.  Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my

Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c.  Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p).

3.  This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

a.  I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

a.1.  Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

b.  I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4.  Relevance of the non-English language document(s) is discussed in the present specification.

5.  The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

a.  U.S. Patent No. is indicated in the foreign search report or Official Action as being in the same patent family and/or the English-language equivalent of listed on the attached foreign search report.

6.  A concise explanation of the relevance of the non-English language document(s) appears below:

7.  Copies of the documents were cited by or submitted to the Office in Application No. , filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8.  The publication date (e.g., month or year) of at least one of the listed documents is not available. For each document in this category, the Office is requested to assume that the year of publication of each listed document is earlier than the effective U.S. filing date and/or any foreign priority date.

9.  The publication date of at least one document is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

2.  This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a.  I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

a.1.  Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

b.  I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-336.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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Patent and Trademark Office

Atty. Dkt. No.	M#	Client Ref.
4398-336		

INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

Applicant: GUNARATNAM

Appln. No.: 10/821,204

Filing Date: April 9, 2004

Examiner: Group Art Unit: 3743

Date: January 28, 2005

Page 1 of 13

## U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
1R	1,926,027	09/1933	BIGGS			
2R	2,123,353	07/1938	CATT			
3R	2,248,477	07/1941	LOMBARD			
4R	2,254,854	09/1941	O'CONNELL			
5R	2,371,965	03/1945	LEHMBERG			
6R	2,438,058	03/1948	KINCHELOE			
7R	2,931,356	04/1960	SCHWARZ			
8R	Des. 188,084	05/1960	GARELICK			
9R	2,939,458	06/1960	LUNDQUIST			
10R	3,189,027	06/1965	BARTLETT			
11R	3,238,943	03/1966	HOLLEY			
12R	3,315,674	04/1967	BLOOM et al.			
13R	3,330,273	07/1967	BENNETT			
14R	3,362,420	01/1968	BLACKBURN et al.			
15R	3,363,833	01/1968	LAERDAL			
16R	3,556,122	01/1971	LAERDAL			
17R	3,700,000	10/1972	HESSE, Deceased et al.			
18R	3,796,216	03/1974	SCHWARZ			
19R	Des. 231,803	06/1974	HUDDY			
20R	4,077,404	03/1978	ELAM			
21R	Des. 250,131	10/1978	LEWIS et al.			
22R	4,167,185	09/1979	LEWIS			
23R	4,226,234	10/1980	GUNDERSON			

## FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
24R								

## OTHER (Including in this order: Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

25R	Mask 1 Photographs, Respiration Inc., Reusable Full Mask (small) Part #452033 Lot #951108.
26R	Mask 2 Photographs, Puritan - Bennett, Adam Circuit, Shell Part #231700, Swivel Part #616329-00, Pillows (medium) Part #616324.
27R	Mask 3 Photographs, DeVilbiss Healthcare Inc., Devilbiss Seal-Ring and CPAP Mask Kit (medium), Part #73510-669.
28R	Mask 4 Photographs, Respiration Inc., Monarch Mini Mask with Pressure Port. Part #572004, Monarch Headgear, Part #572011.

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Date: January 28, 2005 Page 2 of 13

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 Examiner: Group Art Unit: 3743

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
29R	4,245,632	01/1981	HOUSTON			
30R	4,304,229	12/1981	CURTIN			
31R	Des. 262,322	12/1981	MIZERAK			
32R	4,328,797	05/1982	ROLLINS et al.			
33R	4,347,205	08/1982	STEWART			
34R	4,354,488	10/1982	BARTOS			
35R	4,402,316	09/06/83	GADBERRY			
36R	4,412,537	11/01/83	TIGER			
37R	4,522,639	06/11/85	ANSITE, et al.			
38R	4,622,964	11/18/86	FLYNN			
39R	4,655,213	04/07/87	RAPOPORT et al.			
40R	4,665,570	05/19/87	DAVIS			
41R	4,671,271	06/09/87	BISHOP, et al.			
42R	4,677,977	07/07/87	WILCOX			
43R	Des. 293,613	01/05/88	WINGLER			
44R	4,770,169	09/13/88	SCHMOEGNER et al.			
45R	4,774,941	10/04/88	COOK			
46R			1591 Abut et al.			
47R	4,821,713	04/18/89	BAUMAN			
48R	4,841,953	06/27/89	DODRILL			
49R	4,848,334	07/18/89	BELLM			
50R	4,848,366	07/18/89	AITA, et al.			
51R	4,907,584	03/13/90	MCGINNIS			

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
S2R								

OTHER (Including in this order: Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

53R	Mask 5 Photographs, Healthdyne Technologies, Nasal CPAP Mask (medium narrow), Part #702510.
54R	Mask 6 Photographs, Healthdyne Technologies, Soft Series Nasal CPAP Mask, Part #702020.
55R	Mask 7 Photographs, DeVilbiss Healthcare Inc., Small Mask and Seal Rings, Part #73510-668.
56R	Mask 8 Photographs, Respiration Inc., Reusable Contour Mask (medium), Part #302180.

Examiner \_\_\_\_\_ Date Considered: \_\_\_\_\_

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Examiner:		Group Art Unit: 3743

Date: January 28, 2005 Page 3 of 13

U.S. PATENT DOCUMENTS					
Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class
57R	4,919,128	04/24/90	KOPALA, et al.		
58R	Des. 310,431	09/04/90	BELLM		
59R	4,971,051	11/20/90	TOFFOLON		
60R	4,989,599	02/05/91	CARTER		
61R	5,005,571	04/09/91	DIETZ		
62R	5,005,568	04/09/91	LOESCHER, et al.		
63R	5,038,776	08/13/91	HARRISON et al.		
64R	5,042,473	08/27/91	LEWIS		
65R	5,042,478	08/27/91	KOPALA, et al.		
66R	5,109,840	05/05/92	DALEIDEN		
67R	5,133,347	07/28/92	HUENNEBECK		
68R	5,140,982	08/25/92	BAUMAN		
69R	Des. 334,633	04/06/93	RUDOLPH		
70R					
71R	5,265,595	11/30/93	RUDOLPH		
72R	5,279,289	01/18/94	KIRK		
73R	5,343,878	09/06/94	SCARBERRY et al.		
74R	5,357,951	10/25/94	RATNER		
75R	5,419,318	05/30/95	TAYEBI		
76R	5,429,683	07/04/95	LE MITOUARD		
77R	5,431,158	07/11/95	TIROTTA		
78R	5,438,981	08/08/95	STARR et al.		
79R	5,441,046	08/15/95	STARR et al.		

FOREIGN PATENT DOCUMENTS					English Abstract	Translation Readily Available
	Document Number	Date MM/YYYY	Country	Inventor Name		
80R					Enclosed	No
					Enclose	No

## OTHER (including in this order: Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

81R	Mask 9 Photographs, Healthdyne Technologies, Healthdyne Large Headgear.
82R	Mask 10 Photographs, Respiration Inc., Soft Cap (medium), Part #302142.
83R	Mask 11 Photographs, Weinmann: Hamburg, Nasal maskensystem mit Schalldämpfer (medium), Part #WN 23105.
84R	Mask 12 Photographs, Life Care.

Date Considered:

Examiner

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Date: January 28, 2005 Page 4 of 13

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
85R	Des. 362,061	09/05/95	MCGINNIS et al.			
86R	5,477,852	12/26/95	LANDIS et al.			
87R	5,488,948	02/06/96	DUBRUILLE, et al.			
88R	5,492,116	02/20/96	SCARBERRY et al.			
89R	5,501,214	03/26/96	SABO			
90R	5,517,986	05/21/96	STARR et al.			
91R	5,540,223	07/30/96	STARR et al.			
92R	5,560,354	10/01/96	BERTHON-JONES et al.			
93R	5,570,689	11/05/96	STARR et al.			
94R	Des. 377,089	12/31/96	STARR et al.			
95R	5,592,938	01/14/97	SCARBERRY et al.			
96R	5,647,355	07/15/97	STARR et al.			
97R	5,647,357	07/15/97	BARNETT et al.			
98R	5,655,527	08/12/97	SCARBERRY et al.			
99R	5,657,752	08/19/97	LANDIS et al.			
100R	5,662,101	09/02/97	OGDEN et al.			
101R	5,685,296	11/11/97	ZDROJKOWSKI, et al.			
102R	5,687,715	11/18/97	LANDIS, et al.			
103R	5,715,814	02/10/98	EBERS			

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract	Translation Readily Available
					Enclosed	No
104R	WO 80/01044	05/29/80	PCT			
105R	DD 159396	06/04/81	GERMANY			X
106R	DE 3345067 A1	06/20/84	GERMANY			
107R	GB 2145335 A	03/27/85	GREAT BRITAIN			
108R	GB 2147506 A	05/15/85	GREAT BRITAIN			
109R	EP 0 252 052 A1	01/07/88	EUROPE			
110R	EP 0 264 772 A1	04/27/88	EUROPE			

OTHER (Including in this order: Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

111R	Mask 13 Photographs, Healthdyne Technologies.
112R	Mask 14 Photographs, King System.
113R	Mask 15 Photographs, Respiromics Inc., Pediatric Mask.
114R	Mask 16 Photographs, Hans Rudolph Inc., Hans Rudolph Silicone Rubber Face Mask/8900.

Examiner

Date Considered:

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Page 5 of 13

**U.S. PATENT DOCUMENTS**

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
115R	2,317,608	04/1943	HEIDBRINK			
116R	3,013,556	12/1961	GALLEHER			
117R	3,580,051	05/1971	BLEVINS			
118R	4,467,799	08/1984	STEINBERG			
119R	4,616,647	10/1986	McCREADIE			
120R	4,809,692	03/1989	NOWACKI et al.			
121R	4,910,806	03/1990	BAKER et al.			
122R	5,046,200	09/1991	FEDER			
123R	5,069,205	12/1991	URSO			
124R	5,121,745	06/1992	ISRAEL			
125R	5,429,126	07/1995	BRACKEN			
126R	5,542,128	08/1996	LOMAS			
127R	5,570,682	11/1996	JOHNSON			
128R	5,666,946	09/1997	LANGENBACK			
129R	5,746,201	05/1998	KIDD			

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
130R	DE 4004157 C1	04/11/91	GERMANY					
131R	EP0427474 A2	05/15/91	EUROPEAN					
132R	AU 91/77110 B	11/21/91	AUSTRALIA					
133R	EP 0 462 701 A1	12/27/91	EUROPE					
134R	WO 92/20395	11/26/92	PCT					
135R	WO 93/01854	02/04/93	PCT					
136R	WO 94/02190	02/03/94	PCT					
137R	AU 94/64816 B	12/22/94	AUSTRALIA					
138R	WO 96/17643	06/13/96	PCT					
139R	EP 0 747 078 A2	12/11/96	EUROPE					
140R	WO 96/39206	12/12/96	PCT					
141R	WO 97/07847	03/06/97	PCT					
142R	JP 09/216240 A	08/19/97	JAPAN					

Examiner

Date Considered:

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6 of 13

U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract	Translation Readily Available		
					Enclosed	No	Enclose	No
143R	DE 459, 104	04/1928	GERMANY					
144R	1039144	09/1928	CANADIAN					
145R	1,395,391	05/1975	GREAT BRITAIN					
146R	GB 1 467 828	03/1977	GREAT BRITAIN					
147R	EP 0 054 154	10/1981	EUROPEAN					
148R	DE 3015279 A1	10/1981	GERMANY					
149R	GB 2 164 569A	03/1986	GREAT BRITAIN					
150R	FR 2 574 657 A1	06/1986	FRANCE					
151R	WO 86/06969	12/1986	PCT					
152R	WO 87/01950	04/1987	PCT					
153R	DE 3537507	04/23/87	GERMANY					
154R	DE 3539073 A1	05/14/87	GERMANY					
155R	EP 0 386 605 A1	02/28/90	EUROPEAN					
156R	WO 91/03277	03/21/91	PCT					
157R	FR 2 658 725 A1	08/31/91	FRANCE					
158R	WO 92/15353 /	09/17/92	PCT					
159R	EP 0 602 424	11/25/93	EUROPEAN					
160R	GB 2 267 648 A	12/15/93	GREAT BRITAIN					
161R	EP 0 608 684 A1	08/03/94	EUROPEAN					
162R	WO 97/41911	11/13/97	PCT					
163R	WO 94/16759	08/04/94	PCT					

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

164R

165R

166R

167R

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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2005

7 of

13

## U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
168R	781,516	01/31/05	GUTHRIE			
169R	812,706	02/13/06	WARBASSE			
170R	1,081,745	12/16/13	JOHNSTON ET AL.			
171R	1,192,186	07/25/16	GREENE			
172R	1,653,572	12/20/27	JACKSON			
173R	2,376,871	05/24/45	FINK			
174R	2,415,846	02/18/47	RANDALL			
175R	2,578,621	12/11/51	YANT			
176R	3,013,556	12/19/61	GALLEHER			
177R	3,720,235	03/13/73	SCHROCK			
178R	3,779,164	03/26/74	ROLLINS			
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183R	EP 0 0697 225	07/13/95	EUROPEAN					
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187R	FR 2 749 176	12/05/97	FRANCE					
188R	DE 197 35 359	01/29/98	GERMANY					
189R	EP 0 821 978	02/04/98	EUROPEAN					
190R	WO 98/04310	02/05/98	PCT					
191R	WO 98/11930	03/26/98	PCT					

OTHER (Including in this order: Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

192R

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4398-336

Applicant:  
GUNARATNAM

Appln. No.: 10/821,204

Filing Date: April 9, 2004

Date: January 28, 2005 8 of 13 Examiner: Group Art Unit 3743

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197R	4,799,477	01/24/89	LEWIS			
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208R	WO 98/18514	05/07/98	PCT					
209R	WO 98/24499	06/11/98	PCT					
210R	WO 98/26829	06/25/98	PCT					
211R	WO 98/26830	06/25/98	PCT					
212R								
213R	WO 95/02428	01/26/95	PCT					
214R	DE 4343205 A1	06/22/95	Germany					
215R	AU 95/16178 B	07/13/95	Australia					
216R	AU 9459430	02/29/96	Australia					

OTHER (including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

217R

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Examiner:		Group Art Unit 3743	

INFORMATION DISCLOSURE STATEMENT  
 BY APPLICANT

Date: January 28, 2005 Page 9 of 13

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229R	5,479,920	01/02/96	PIPER ET AL.			
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					Enclosed	No	Enclose	No
232R								
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236R								
237R								
238R								
239R								
240R								
241R								
242R								

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

243R

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Filing Date: April 9, 2004		
Examiner: Group Art Unit: 3743		

INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

Date: January 28, 2005

Page 10 of 13

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248R	5,649,532	07/22/97	GRIFFITHS			
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254R	5,813,423	09/29/98	KIRCHGEORG			
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256R	5,558,090	09/1996	JAMES			
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258R	701 690	01/22/41	GERMANY				X	
259R	WO 82/03548	10/28/82	SULLIVAN					
260R	DE 298 10846 U1	08/20/98	GERMANY					
261R	WO 98/48878	11/05/98	PCT					
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Filing Date: April 9, 2004

Examiner:

Group Art Unit: 3743

Date: January 28, 2005

Page 11 of 13

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Examiner

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3743

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	5,724,965	3/1998	HANDKE et al.			
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